



City of Keller

City Council

Meeting Minutes

Keller Town Hall
1100 Bear Creek Parkway
Keller, TX 76248
817-743-4000
www.cityofkeller.com

Tuesday, May 21, 2019

COUNCIL MEMBER DINNER 5:00 P.M.

PRE-COUNCIL MEETING 5:30 P.M.

A. CALL TO ORDER - Mayor Pat McGrail

Mayor Pat McGrail called the meeting to order at 5:33 P.M.

The following City Council Members were present:

Mayor Pat McGrail
Council Member Mitch Holmes
Mayor Pro Tem Sean Hicks
Council Member Beckie Paquin
Council Member Sheri Almond
Council Member Tag Green
Council Member Chris Whatley

The following City staff members were present: City Manager Mark Hafner, City Attorney Stan Lowry, City Secretary Kelly Ballard, Director of Community Services Cody Maberry, Director of Administrative Services Aaron Rector, Director of Public Services/Economic Development Trina Zais, Director of Community Development Julie Smith, Director of Public Works Alonzo Linan, Police Chief Mike Wilson, and Fire Chief David Jones.

B. DISCUSS AND REVIEW AGENDA ITEMS

The City Council discussed and reviewed the agenda items.

C. EXECUTIVE SESSION

Executive Session was not held during the Pre-Council Meeting.

1. Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.

(1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.

2. Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

a. Davis Tyson vs. The City of Keller Zoning Board of Adjustment.

3. Adjourn into Open Meeting.

4. Action on Executive Session Items 1 and 2 if necessary.

D. WORK SESSION

1. [Receive a presentation on Electric Vehicle Charging Stations.](#)

Attachments: [EVCS Presentation](#)

Keller Center for Advanced Learning Intern Fernando Avalos-Oviedo gave a presentation relating to Electric Vehicle Charging Stations.

2. [Discuss the Future Land Use Plan update](#)

Attachments: [DRAFT VI - QAQC from Draft V](#)

Council Member Tag Green discussed the Future Land Use Plan Update and suggested to table the discussion to a later date. The City Council agreed to discuss the Future Land Use Plan Update at a date to be determined.

3. [Budget Strategic Planning - Permit Revenue and Activity](#)

Attachments: [Presentations - Permit Revenue and Activity](#)

Director of Administrative Services Aaron Rector gave a presentation relating to permits and permit activity.

E. ADJOURN

Mayor Pat McGrail adjourned the Pre-Council Meeting at 6:50 P.M.

REGULAR MEETING 7:00 P.M.**A. CALL TO ORDER – Mayor Pat McGrail**

Mayor Pat McGrail called the Regular Meeting to order at 7:03 P.M.

B. INVOCATION

Mr. Keith Sanders, First Baptist Church of Keller, gave the invocation.

C. PLEDGE OF ALLEGIANCE

Local Scouts from Troop 32 and Troop 1410 led the pledges the the United States Flag and the Texas Flag.

1. Pledge to the United States Flag
2. Pledge to the Texas Flag - "Honor the Texas Flag: I pledge allegiance to Thee, Texas, one State under God, one and indivisible."

D. PROCLAMATIONS & PRESENTATIONS

1. [Proclamation - National Foster Care Month](#)

Mayor Pat McGrail presented a proclamation recognizing May as National Foster Care Month to Ms. Vickie Akins.

2. [Check presentation to the Muscular Dystrophy Association](#)

Fire Captain Alan Jacobs presented a check in the amount of \$25,610.03, raised by the Fill the Boot Campaign to Ms. Gina Lansing, Muscular Dystrophy Association Local Representative.

E. PERSONS TO BE HEARD

This is a time for the public to address the City Council on any subject. However, the Texas Open Meetings Act prohibits the City Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to City Staff for research and possible future action.

Ms. Leann Bell, 808 Pendleton Court, and Ms. Charlene LiPlane, 204 Canyon Court, both addressed the City Council regarding Notices of Violations issued to residents of the West Park Subdivision whose lots back Whitley Road requiring them to maintain the right-of-way on the other side of the brick perimeter fence. The speakers also provided supporting documents.

Mr. Brian Campbell, 1201 Johnson Road, addressed the City Council regarding his issues with the Future Land Use Plan Update.

F. ELECTIONS

1. [Administer the Oath of Office to City Council Place 3.](#)

Mayor Pat McGrail administered the Oath of Office to Council Member Sheri Almond, City Council Place 3.

2. [Administer the Oath of Office to City Council Place 4.](#)

Mayor Pat McGrail administered the Oat of Office to Council Member Beckie Paquin, City Council Place 4.

G. CONSENT

The next order of business was for the City Council to consider the consent agenda items, which were deemed to need little or no discussion, and were acted upon as one business item.

A motion was made by Council Member Chris Whatley, seconded by Council Member Tag Green to approve the Consent Agenda. The motion carried unanimously.

1. [Consider approval of the Minutes of the Tuesday, May 7, 2019 Regular City Council Meeting.](#)

Attachments: [050719 Minutes.pdf](#)

Approved.

2. [Consider approval of the Minutes of the Tuesday, May 14, 2019 Special City Council Meeting.](#)

Attachments: [051419 Minutes](#)

Approved.

3. [Consider a resolution approving the purchase of seven \(7\) rectangular rapid flashing beacons \(RRFBs\) from Consolidated Traffic Controls, Inc., of Arlington, Texas through the HGACBuy Cooperative Purchasing Program; and authorizing the City Manager to execute all purchase documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [052119 RRFB Resolution 4121](#)

[052119 RRFB Exhibit A](#)

[052119 RRFB Exhibit B](#)

[052119 RRFB Exhibit C](#)

[052119 RRFB Exhibit D](#)

[RRFB Presentation](#)

Resolution No. 4121

4. [Consider a resolution approving the bid from Peachtree Construction of Fort Worth, Texas, for the 2019 Annual Street Maintenance Project for the Public Works Department; and authorizing the City Manager to execute all contract documents relating thereto on behalf of the City of Keller, Texas.](#)

Attachments: [052119 2019 Street Maint Project Resolution 4122](#)

[052119 2019 Street Maint Project Bid Summary](#)

Resolution No. 4122

5. [Consider a resolution ratifying staff action in response to an emergency repair of a thirty \(30\) inch jointly-owned water line with the City of Southlake and authorizing the City Manager to execute all documents related thereto on behalf of the City of Keller, Texas.](#)

Attachments: [052119 Emergency Water Line Repair Resolution](#)

[052119 Emergency Water Line Repair Southlake Agreement 2004](#)

[052119 Emergency Water Line Repair Invoice](#)

Resolution No. 4123

H. OLD BUSINESS - None

I. NEW BUSINESS

1. [Elect a Mayor Pro Tem.](#)

A motion was made by Council Member Chris Whatley, seconded by Mayor Pat McGrail, to elect Council Member Tag Green as Mayor Pro Tem. The motion failed by the following vote:

A motion was made by Council Member Mitch Holmes, seconded by Sheri Almond, to elect Council Member Sean Hicks as Mayor Pro Tem. The motion carried by the following vote:

2. [PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit \(SUP\) for Empire Toys, for 'Sales of used goods and merchandise' to occupy an 800 square-foot lease space on the second floor, within a 7,318 square-foot commercial building, located on a 0.20-acre tract of land, located on the west side of South Main Street \(U.S. HWY 377\), at the intersection of West Hill Street and South Main Street \(U.S. HWY 377\), being Lot 3A and 3B, Block 2, City Addition - Keller, at 136 South Main Street \(U.S. HWY 377\), and zoned OTK \(Old Town Keller\). \(SUP-19-0008\).](#)

Attachments: [052119 EmpiretoysSUP Ordinance](#)

[052119 EmpiretoysSUP Maps](#)

[052119 EmpireToysSUP Interiorphotos](#)

[052119 EmpireToysSUP Exhibit A](#)

[052119 EmpireToysSUP SupportParcels](#)

[Empire Toys Presentation](#)

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to close the public hearing. The motion carried unanimously.

A motion was made by Council Member Chris Whatley, seconded by Council Member Mitch Holmes, to approve Ordinance No. 1932 approving a Specific Use Permit (SUP) for Empire Toys. The motion carried unanimously.

3. [Consider a resolution approving a variance to the Unified Development Code, Section 8.11 \(C\), Fencing Requirements in Residential Zoning Districts, to allow an existing fence to remain both iron and cedar material for privacy purposes, located on a 0.882-acre lot, on the east side of Betty Lane, being Lot 7, Block A, Timberview Estates Addition, at 1109 Betty Lane \(Account# 03153479\), and zoned Single Family Residential - 36,000 square-foot lot size minimum \(SF-36\). Polaris LLC, applicant/developer. Don and Lisa Tice, Owners. \(UDC-19-0005\)](#)

Attachments: [052119 TiceFenceUDC-19-0005 Resolution](#)
[052119 TiceFenceUDC-19-0005 Attachment\(A\)](#)
[052119 TiceFenceUDC-19-0005 Attachment\(B\)](#)
[052119 TiceFenceUDC-19-0005 Attachment\(C\)](#)
[052119 TiceFenceUDC-19-0005 Maps](#)
[Betty Lane Fence Presentation](#)

A motion was made by Mayor Pro Tem Sean Hicks, seconded by Council Member Mitch Holmes, to approve Resolution No. 4124 approving a variance to the Unified Development Code, Section 8.11 (C), Fencing Requirements in Residential Zoning Districts, at 1109 Betty Lane. The motion carried unanimously.

J. DISCUSSION – None

K. EXECUTIVE SESSION

Mayor Pat McGrail recessed the Regular Meeting at 7:52 P.M. to allow the City Council to resume the Work Session and to allow the City Council to meet in Executive Session, in accordance with State Law.

1. **Section 551.087, Texas Government Code - Deliberation Regarding Economic Development Negotiations.**

(1) To discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or

(2) To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision.

2. **Section 551.071, Texas Government Code - Consultation with attorney to seek advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**

a. **Davis Tyson vs. The City of Keller Zoning Board of Adjustment.**

3. Adjourn into Open Meeting.

4. Action on Executive Session Items 1 and 2 if necessary.

No action was taken.

L. ADJOURN

Mayor Pat McGrail adjourned the meeting at 8:50 P.M.

Mayor

City Secretary